



Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2616

PATENT
ATTORNEY DOCKET: 46970-5034-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Ryuichiro YOSHIMURA et al.) Confirmation No.: 8763
)
Application No.: 10/606,831) Group Art Unit: 2616
)
Filed: June 27, 2003) Examiner: Jamie Vent
)
For: INFORMATION RECORD)
MEDIUM HAVING FIRST AND)
SECOND RECORDING LAYERS)
IN WHICH MID AREAS ARE)
RECORDED RESPECTIVELY,)
AND APPARATUS FOR)
RECORDING THE SAME)
(As Amended))

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the
decision of the Examiner dated January 26, 2006, finally rejecting claims 5, 7-9, 20, 23 and 24.

1. Extension of Time

07/27/2006 SDEH0081 00000007 10606831

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. 01 FC:1401 500.00 OP

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee – 37 C.F.R. § 41.20(b)(1)

- ☒ The fee in the amount of \$500.00 to cover the Notice of Appeal fee is enclosed.
- ☐ The Commissioner is authorized to charge the Notice of Appeal fee of \$500.00 to Deposit Account No. 50-0573.

3. Fee Payment

- ☒ Enclosed is a check in the amount of \$500.00 for the notice of appeal fee.
- ☐ The Commissioner is authorized to charge Deposit Account No. 50-0573 in the amount of _____ for the Notice of Appeal fee.

4. Constructive Petition

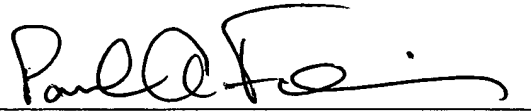
- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: July 26, 2006

By:



Paul A. Fournier

Registration No. 41,023

Customer No. 055694

DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202) 842-8465